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EXAMINER

KE, PENG

ART UNIT PAPER NUMBER

2174

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |               |  |
|------------------------------|-----------------|---------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)  |  |
|                              | 09/810,992      | SHAOUY ET AL. |  |
|                              | Examiner        | Art Unit      |  |
|                              | Peng Ke         | 2174          |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 2/23/05
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 2/23/05.

This action is final.

Claims 1-20 are pending in this application. Claims 1, 8, and 18 are independent claims.

In the Amendment, filed on 2/23/05, claims 1, 2, 4, 6, and 14 were amended.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 18 - 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Forecast Pro.

As per claim 18, Forecast Pro teaches a method for tailoring information delivered to a user, comprising:

an arbiter selecting a personalization engine by analysis of at least one profile element;

and

the personalization engine selecting a personalized content object to tailor information provided to the user (see item 1: "The built-in expert selection system analyzes your data, selects the appropriate forecasting technique, builds the model and calculates the forecasts"; the Examiner interprets the "expert system" as an arbiter, user data as at least one profile element).

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As per claim 19, which is dependent on claim 18, Forecast Pro teaches the method of claim 18 (see rejection above). Forecast Pro further teaches the method of claim 18, further comprising the arbiter receiving a request object from a user, and sending the selected personalized content object to the user's application program (see item 1: "The built-in expert selection system analyzes your data, selects the appropriate forecasting technique, builds the model and calculates the forecasts"; and item 4: "A few more clicks and you've ... output your forecasts to a spreadsheet, ASCII file or ODBC compliant database").

As per claim 20, which is dependent on claim 19, Forecast Pro teaches the method of claim 19 (see rejection above). Forecast Pro further teaches the method of claim 19, further comprising the arbiter receiving a profile element from a profile database (see item 5: "Forecast Pro imports data in a variety of flexible, easy-to-create formats including Excel and Lotus spreadsheets, ASCII (text) files and ODBC").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,6,8, 9 and 12- 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki, U.S. Patent No. 6,313,921 in view of Forecast Pro.

As per claim 1, Kadowaki teaches a method for tailoring information to characteristics of a information user, comprising the acts of:

a) passing a request object containing at least one profile element to an arbiter (see Kadowaki, column 18, lines 38 - 61; the examiner interprets the printer controller as an arbiter because it directs personalization information to a personalization server);

b) selecting, a personalization engine from a plurality of personalization engines by the arbiter (see Kadowaki, column 15, lines 41 - 45);

c) accessing a content database to retrieve a personalized content object identified by the personalization engine selected by the arbiter (see Kadowaki, column 18, lines 63 - 67 and column 19, line 1; it is inherent that the personalization server must store and manage the personalizing information in a database if it is to extract said information for a particular user).

Kadowaki does not teach actively selecting, by analysis of the at least one profile element, a personalization engine from a plurality of personalization engines by the arbiter, the arbiter refining and altering a selection based on a number and type of the profile element. Forecast pro teaches actively selecting, by analysis of the at least one profile element, a personalization engine from a plurality of personalization engines by the arbiter (see item 1: "The built-in expert selection system analyzes your data, selects the appropriate forecasting technique, builds the model and calculates the forecasts..."),

the arbiter refining and altering a selection based on a number and type of the profile element (see item 2: "Simple Methods - For very short and extremely volatile data, Forecast Pro includes moving average models"; see item 3: "Low Volume Models Croston's Intermittent

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Demand model and discrete data models are provided to accommodate low volume and "sparse" data..."; the Examiner interprets "very short" and "low volume" data as a number of the profile element, and "extremely volatile data" and "sparse" as a type of the profile element).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Forecast Pro with the method of Kadowaki in order to provide more relevant results to a user.

As per claim 2, which is dependent on claim 1, Kadowaki and Forecast Pro teach the method of claim 1 (see rejection above). Kadowaki further teaches the method comprising the act of passing the personalized content object to an application program (see Kadowaki, column 19, lines 1 - 3).

As per claim 4, which is dependent on claim 1, Kadowaki and Forecast Pro teach the method of claim 1 (see rejection above). Kadowaki further teaches the method comprising the act of sending the request object over a communication network (see Kadowaki, column 2, lines 25 - 30).

As per claim 6, which is dependent on claim 1, Kadowaki and Forecast Pro teach the method of claim 1 (see rejection above). Kadowaki further teaches the method comprising the acts of: d) accessing a profile database that stores profile elements associated with the request object (see Kadowaki, column 19, 51 - 67; it is inherent that the personalization information is stored in a database); e) retrieving from the profile database at least one profile element associated with the request object (see Kadowaki, column 18, lines 63 - 67 and column 19, lines

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1 - 11); and f) including in the request object at least one profile element retrieved from the profile database (see Kadowaki, column 18, lines 38 -- 67 and column 19, lines 1 - 11; it is inherent that the user ID sent in the request object is part of the user profile retrieved by the personalization server).

As per claim 8, Kadowaki teaches an apparatus for tailoring information to characteristics of an information user, the apparatus comprising: a) an arbiter for accepting and analyzing a request object (see Kadowaki, column 18, lines 38 - 61; the examiner interprets the printer controller as an arbiter because it directs personalization information to a personalization server); and b) a plurality of personalization engines for selecting at least one personalization object from a content database (see Kadowaki, column 15, lines 41 - 45);

wherein the arbiter selects a personalization engine from the plurality of personalization engines (see Kadowaki, column 18, lines 38 - 44), and the selected personalization engine selects at least one personalization content from the content database (see Kadowaki, column 18, lines 62 - 67, and column 19, lines 1 - 11).

Kadowaki does not teach the arbiter refining and altering a selection based on a number and type of at least one profile element wherein the arbiter selects a personalization engine from the plurality of personalization engines by analysis of the at least one profile element. Forecast pro teaches the arbiter refining and altering a selection based on a number and type of at least one profile element contained in the request object wherein the arbiter selects a personalization engine from the plurality of personalization engines by analysis of the at least one profile element ("The built-in expert selection system analyzes your data, selects the appropriate

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forecasting technique, builds the model and calculates the forecasts"; "Simple Methods - For very short and extremely volatile data, Forecast Pro includes moving average models"; "Low Volume Models - Croston's Intermittent Demand model and discrete data models are provided to accommodate low volume and 'sparse' data... "; the Examiner interprets the "expert system" as an arbiter, user data as at least one profile element, "very short" and "low volume" data as a number of the profile element, and "extremely volatile data" and "sparse" as a type of the profile element).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Forecast Pro with the method of Kadowaki in order to provide more relevant results to a user.

As per claim 9, which is dependent on claim 8, Kadowaki and Forecast Pro teach teaches the apparatus comprising output logic for passing at least one personalization content object to an application program over a communication network (see Kadowaki column 2, lines 25 - 30 and column 19, lines 1 - 3; it is inherent that the printer controller is an application program)

As per claim 12, which is dependent on claim 1, Kadowaki and Forecast Pro teach the method of claim 1 (see rejection above). Kadowaki further teaches the method of claim 1, further comprising selecting a personalization engine using at least one of an object-oriented analysis and an expert-system analysis process (see Kadowaki, column 18, lines 39 - 46; the examiner interprets a printer controller as an expert-system).



As per claim 13 which is dependent on claim 12, Kadowaki and Forecast Pro teach the method of claim 12 (see rejection above). Kadowaki further teaches the method of claim 12, wherein the expert-system analysis comprises at least one of rule based analysis, model based analysis, and knowledge based analysis (see Kadowaki, column 18, lines 39 - 46; the examiner interprets acquiring the network address of a personalization server as a part of user ID information as performing rule-based analysis).

As per claim 14 which is dependent on claim 1, Kadowaki and Forecast Pro teach the method of claim 1 (see rejection above). Kadowaki further teaches the method of claim 1, further comprising the arbiter analyzing at least one of a date of the request object, a user identity, a user shopping history, and a user usage path (see Kadowaki, column 18, lines 39 - 46).

As per claim 15 which is dependent on claim 8, Kadowaki and Forecast Pro teach the method of claim 8 (see rejection above). Kadowaki further teaches the apparatus of claim 8, wherein the arbiter is configured to receive a request object from a user (see Kadowaki, column 3, lines 5 - 6) and a profile element from a profile database (see Kadowaki, column 19, lines 1 - 3).

As per claim 16, which is dependent on claim 8, it is of similar scope to claim 12 and is rejected under the same rationale as claim 12 (see rejection above).

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As per claim 17, which is dependent on claim 8, it is of similar scope to claim 14 and is rejected under the same rationale as claim 14 (see rejection above).

Claims 3, 5, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadowaki, U.S. Patent No. 6,313,921 in view of Forecast Pro, further in view of Kurtzman, II, U.S. Patent No. 6,044,376.

As per claim 3, which is dependent on claim 2, Kadowaki and Forecast Pro teach the method of claim 2 (see rejection above). Kadowaki and Forecast Pro do not teach the method wherein the application program is a web browser. Kurtzman, II teaches the method wherein the application program is a web browser (see Kurtzman, 11, column 3, lines 32 - 37, and column 3, lines 60 - 67; it is taught that the user communicates to the web server via a web browser, and it is inherent that when the personalized content is delivered to the user it is viewed via said web browser). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method taught by Kurtzman, 11 with the method taught by Kadowaki and Forecast Pro to provide a more sophisticated profiling technique for use in a web browser.

As per claim 5, which is dependent on claim 4, Kadowaki and Forecast Pro teach the method of claim 4 (see rejection above). Kadowaki and Forecast Pro do not teach the method wherein the communication network is the Internet. Kurtzman, 11 teaches the method wherein the communication network is the Internet (see Kurtzman, 11, column 3, lines 32 - 37, and

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column 3, lines 60 - 67). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method taught by Kurtzman, II with the method taught by Kadowaki and Forecast Pro to provide access to remote users of the system.

As per claim 10, it is of similar scope to claim 5 and is rejected under the same rationale (see rejection above).

As per claim 11, which is dependent on claim 9, Kadowaki and Forecast Pro teach method of claim 9 (see rejection above). Kadowaki and Forecast Pro do not teach the method wherein the application program is a web browser. Kurtzman, II teaches the method wherein the application program is a web browser (see Kurtzman, II, column 3, lines 32 - 37, and column 3, lines 60 - 67; it is taught that the user communicates to the web server via a web browser, and it is inherent that when the personalized content is delivered to the user it is viewed via said web browser). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method taught by Kurtzman, II with the method taught by Kadowaki and Forecast Pro to provide a more sophisticated profiling technique for use in a web browser.

Claim 7 is rejected under 35 U.S.C. 103(x) as being unpatentable over Kadowaki, U.S. Patent No. 6,313,921 in view of Forecast Pro, further in view of Jacobi et al., U.S. Patent No. 6,064,980 and Tetzlaff, U.S. Patent No. 6,556,963.

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As per claim 7, which is dependent on claim 1, Kadowaki and Forecast Pro teach the method of claim 1 (see rejection above). Kadowaki and Forecast Pro do not teach the method wherein the plurality of personalization engines comprises at least two personalization engines selected from the group consisting of a rule-based personalization engine, a predictive-modeling personalization, and a collaborative filtering personalization.

Jacobi et al. teaches a collaborative filtering engine (see Jacobi et al., column 2, lines 18 - 21; the examiner interprets the recommendation service as a personalization engine because it uses collaborative filtering using particular user information to recommend items to users).

Tetzlaff teaches a rule-based personalization engine (see Tetzlaff, column 2, lines 22 - 27; the examiner interprets the feedback generator as a personalization engine because it uses rule-based protocol to give feedback to a user depending on a particular user model).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the personalization engines as taught by Jacobi et al. and Tetzlaff with the method of Kadowaki and Forecast Pro in order to provide more flexible means of personalization.

### ***Response to Argument***

Applicant's arguments filed on 2/23/05 have been fully considered but they are not persuasive.

Examiner agrees that the rejections for claims 18-20 should have been made under statute 102(a) instead of 102(e). However, because the rejections themselves are not changed therefore this rejection is made final.

Applicant argues that Forecast should be considered as a prior art because it does not have a public publication date.

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Examiner disagrees. Examiner is relying on the copyright date of the Forecast as the public publication date. The copyright date is dated in 2000, therefore the public publication date of Forecast is 12/31/2000.

### *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### *Contact information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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